



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
103 ARMY PENTAGON
WASHINGTON DC 20310-0103
JUN 18 1998

SARD-PP

MEMORANDUM FOR COMMANDER, U.S. ARMY EUROPE & SEVENTH ARMY,
ATTN: AEAPR-PA-PL, UNIT 29331, APO AE 092661

SUBJECT: Request for Class Deviation to DFARS 204.73

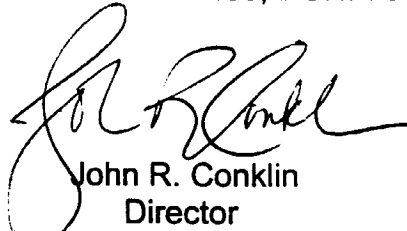
Reference memorandum, HQ U.S. Army Europe & Seventh Army. May 19, 1998,
subject as above.

I hereby grant a class deviation to DFARS 204.73, Central Contractor
Registration, for contracts with United States Citizen individuals performing outside the
United States.

This deviation exempts individual U.S. citizens with social security numbers with
the government contracts to provide services, either part-time or full-time, required by
the U.S. Army in Europe.

This deviation authority is assigned number 98-Dev-6 and is granted pursuant to
Director of Defense Procurement memorandum, dated September 30, 1997, subject:
Extension of Test – waiver authority, and shall remain in effect until June 30, 2003
or until the DFARS is changed (whichever occurs first).

Point of contact for this action is Mrs. Esther Morse, DSN: 761-1040.



John R. Conklin
Director

Procurement & Industrial Base Policy





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY, EUROPE, and SEVENTH ARMY
PRINCIPAL ASSISTANT RESPONSIBLE FOR CONTRACTING
UNIT 29331
APO AE 09268



AEAPR-PA-PL

19 MAY 1998

MEMORANDUM FOR Headquarters, Department of the Army, ATTN: SARD-PP, 103
Army Pentagon, Washington, DC 20310-0103

SUBJECT: Request for Class Deviation to DFARS 204.73

1. In accordance with AFARS 1.402 (3)(A), US Army Europe, Principal Assistant Responsible for Contracting (PARC) requests a deviation from DFARS SUBPART 204.73, Central Contractor Registration (CCR), as follows, using the format in DFARS 201.201-1:

a. **PROBLEM:** DFARS 204.7302 requires prospective contractors to be registered in the Central Contractor Registration (CCR) database unless they fall into one of the exempted categories in DFARS 204.7302 (a) through (e). Foreign contractors performing work outside the United States are exempt; US contractors performing outside the United States are not. US Army Contracting Command Europe (USACCE) awards many small dollar purchase orders and blanket purchase agreements for quality of life support to United States citizens acting as independent contractors. These services are primarily in the areas of Chaplain/Religious Program Support and Army Community Services functions. Typical part-time work performed under these contractual arrangements is Organist/Pianist for religious services and instructing soldiers and family members on various life skills such as Checkbook Balancing; Infant & Child Care; Latchkey Kids Programs; Families Learning About Germany (FLAG); and Counseling on Child/Spouse Abuse. The contractors are typically family members of US servicemen and the dollar value of the contracts range from \$1,000 to \$12,000 annually, the vast majority at the lower end of the dollar scale. DFARS compliance is unrealistic for these individuals. They do not possess DUNS numbers or CAGE Codes that are required for CCR registration. Much of the application does not apply to their status. The process essentially is burdensome and adds no value to the contracting process.

b. **RECOMMENDATION:** Authorize a class deviation from the CCR registration requirements in DFARS 204.73 for contracts with United States citizen individuals performing outside the United States.

c. **DISCUSSION:** The individuals contracted with for these services are US citizens with Social Security numbers. They are subject to US taxation and are issued IRS Form 1099 for all contract work in excess of \$600. They are not normally in the business of selling the types of services they are providing here. They are normally family members trying to supplement the family income by contracting for the part time services

AEAPR-PA-PL

SUBJECT: Request for Class Deviation to DFARS 204.73

continually needed by the US Army in Europe. They represent the only source of labor for many of these services, which for cultural reasons, must be performed only by an American. Placing burdensome requirements on these individuals will only lead them to conclude that doing business with the Army is not worth the return; and the Army will be left with no contractors to perform these quality of life services, which are primarily aimed at the young service member serving his/her first tour of duty outside the US.

d. COLLATERALS:

(1) There is no need for public comment and there is no impact on any other statutes or regulations.

(2) This request for deviation best fits under FAR 1.401 (b), the omission of any solicitation provision or contract clause when its prescription requires its use.

(3) This deviation will have no effect beyond the internal operating procedures of USACCE. There will be a favorable impact on contractors.

(4) This deviation is required for an indefinite period.

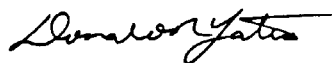
(5) No previous deviation has been received.

(6) The proposed deviation has not been published in the Federal Register.

(7) Legal counsel concurs in this request for deviation.

2. The USAREUR Deputy Chief of Staff, Personnel, Family Services Division, concurs with the need for this deviation.

3. PARC point of contact is Roger Tompkins, DSN 375-8117; email tompkinsr@hq.usacce.army.mil.



DONALD R. YATES
Colonel, GS
Principal Assistant Responsible
for Contracting